

To: Members of the House Education Committee
From: Mary L. Mason
Re: HB 4369
Date: March 13, 2013

Madame Chair and Members of the Education Committee:

I have been closely following the progress and the debates on the Education Achievement Authority bills, including HB 6004 and SB 1358 from last session and current HB 4369, with concern. I am an attorney, a parent, a taxpayer and a citizen. In the past, I have been a social worker for the State of Michigan and I helped to start and run an inner city charter school. I am now a doctoral student in educational policy at MSU. While I have many concerns, I include here only some of the significant ones that I have not yet seen addressed by others with regard to HB 4369. Following are my thoughts and questions on those matters:

Qualifications of Authority Board Members

HB 4369 contains no qualifications of governing board members. Because school reform is national now, with influence coming into states and local districts from across the country, control of this body could end up having nothing at all to do with Michigan or what Michigan citizens want. It would be best if there would be representation from the areas of the state affected, but at least the board members should be Michigan residents. Some type of education knowledge or experience is also desirable.

EAA as Charter School Authorizer

I don't understand the place of charter schools in the EAA. First, if schools are to be returned to the school district when they improve, what happens to those that have been converted to charters? Does the school district become the authorizer or does the charter terminate and the school then become a regular district school again? There are a number of issues to be dealt with in either case. If, instead, the school remains a charter with the EAA as authorizer, then that allows the EAA to permanently remove schools from the local district—which negates the provisions on termination of EAA control. The bill should explicitly answer these questions.

Second, why should the EAA authorize charter schools in school districts under the control of an emergency manager? This is outside the EAA's mission to turn around the lowest-performing 5% of schools. This power also raises the issue with regard to the intent for improved schools to return to their local district and how that can work for charters. There is also a problem of competing reforms. A school district EM's plan for turning around the district can be disrupted by competing EAA charter schools. Since declining enrollment and the resulting declining revenues are major causes of financial stress in those districts placed under an EM so far,

allowing the EAA to establish charter schools in those districts will only exacerbate the problem and compromise the possibility of success.

Third, I don't understand the reason for authorizing charter schools within two miles of an EAA school. At last week's hearing, Mr. Rustem said that it could be necessary to use another building if the current school building did not meet code. Why would one expect that another school building that meets code would be available within two miles? Did the drafters have particular instances in mind to support this provision?

For the reasons above, authorizing charters is unnecessary for the EAA. If the purpose is to allow the schools to have more autonomy and/or to be managed by an outside provider, EAA powers seem to be broad enough to allow that without the need for conversion of the school to a charter. Are there other reasons?

Finally, the bill changes the charter school law to allow a school district with any configuration of grades, not just K-12, to authorize charter schools. What is the purpose of this expansion? Why is it in this bill for the EAA? If the charter law is to be amended, it should be done separately rather than buried in this EAA bill.

Return of Schools to the Local School District

This bill provides more specifics than previous bills on when and how a school leaves the EAA to return to local district control. However, there are no mechanisms for the transfer itself. EAA schools have a unique learning and teaching approach that is heavily dependent on technology and data systems. These are not likely to be compatible with what local districts provide. That is, in fact, the purpose of placing schools in the EAA. What will happen to the schools, the students, the staff, of a school on transfer back to the local district? These districts don't have the funding to make such dramatic changes, especially for one or a small number of schools in a particular district. How will that be handled without serious disruption to the students and their learning? The bill must answer these questions.

Possible Failure of the EAA and/or EAA Schools

Nothing in the bill contemplates the failure of the EAA to successfully turn schools around. What happens if a school does not show enough improvement to leave the EAA? Local districts have a limited time, three years, to move out of the lowest 5%, even while under state supervision and with state (MDE) assistance. Why should the EAA have more time, especially the unlimited time allowed for in this bill? If we are so concerned about students trapped in failing district schools, why are we not at least equally concerned about students who may be trapped in failing schools within the EAA? Research evidence does not support the assumption that the EAA will be successful with all, or even any, of its schools. This is an experiment with hope and possibility, but no certainty of success. Legislation that does not deal with this fact ignores the possible significant problems that could arise and threaten any gains made.